



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. **04-08**

Date: February 6, 2004

Nashville District

Application No. **2002-00791**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

SUBJECT: Proposed Municipal Outfall for the Riverstone Residential Development at
Tennessee River Mile 161.8L

TO ALL CONCERNED: The application described below has been submitted for a
Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899**
and Section 404 of the Clean Water Act (CWA).

APPLICANT: David Ray
Riverstone Development
1128 Old Ferry Road
Bath Springs, Tennessee 38311

LOCATION: Tennessee River Mile 161.8L, Kentucky Lake, Decatur County, Tennessee (Bath
Springs Quad; lat 35-24-38.5560; lon 88-2-50.2800)

DESCRIPTION: The proposed work would consist of the construction of a new municipal
outfall at the subject location. The outfall would involve installing an 8" diameter ductile iron
pipe, buried below the existing ground contour. The pipeline would be installed by constructing
a trench, laying the pipeline, and backfilling the trench to pre-construction contours. Any
excess excavated materials would be removed and transported upland for disposal. The
proposed pipe would extend approximately 60' from the normal summer pool (NSP) Elevation
359.0 for Kentucky Lake. The top of the pipe would daylight at Elevation 340.0, which is 3'
below the navigation channel grade Elevation 343.0.

The proposed work would provide the new Riverstone residential and marina development a
discharge for their wastewater treatment plant.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts
including cumulative impacts of the activity on the public interest. That decision will reflect the
national concern for both protection and utilization of important resources. The benefit which
reasonably may be expected to accrue from the work must be balanced against its reasonably
foreseeable detriments. All factors which may be relevant to the work will be considered

including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The work has been categorically excluded from environmental documentation by 33 CFR Part 325, Appendix B, Paragraph 6, which became effective on March 4, 1988. An Environmental Assessment may be prepared if extraordinary circumstances are revealed during the public interest review.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approved the proposed outfall under Section 26a of the TVA Act on October 23, 2003. In addition to other provisions of its

approval, TVA required the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

The state of Tennessee issued a water quality certification on March 21, 2002, for the bedding and backfill activity for utility line activities pursuant to Section 401 of the CWA.

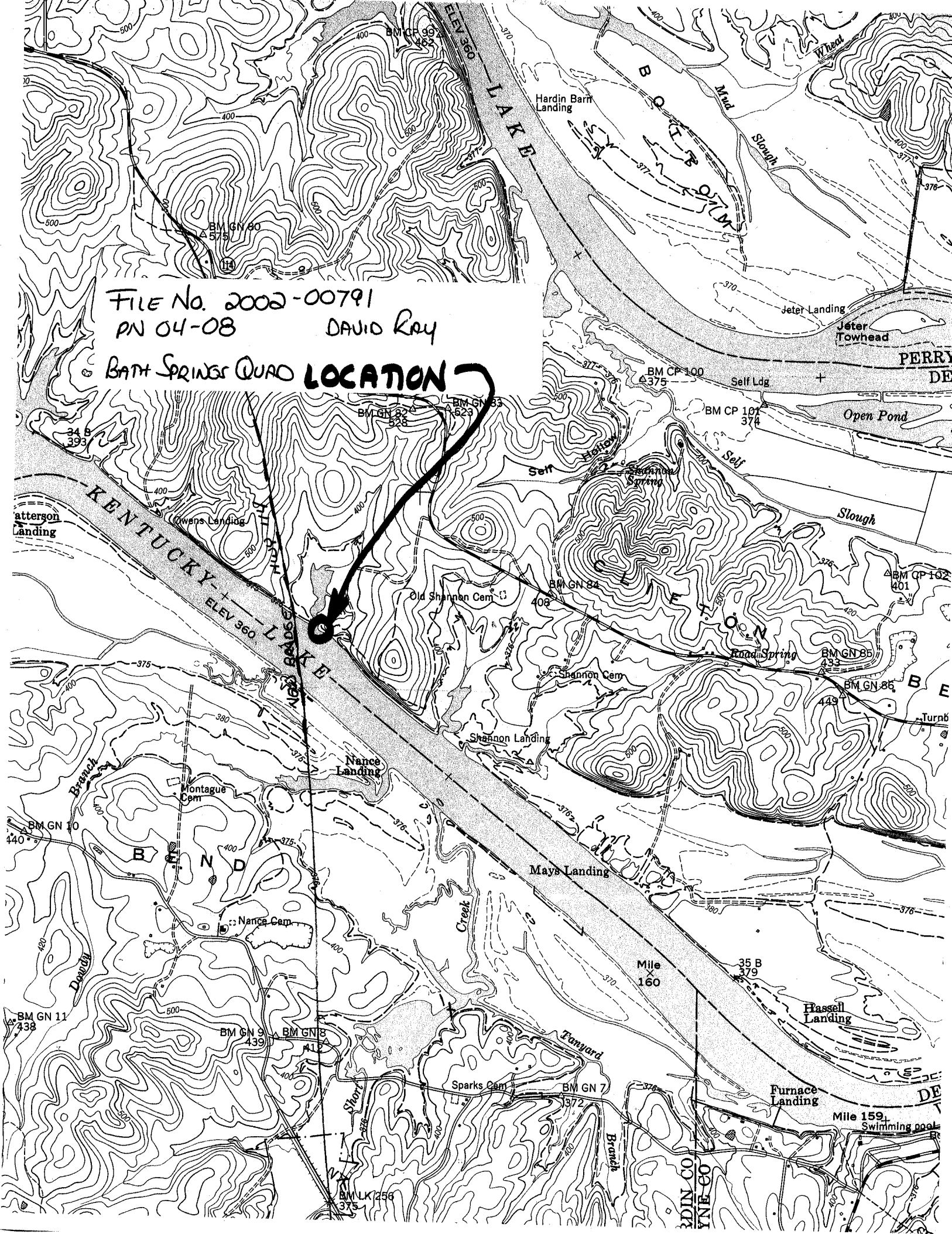
A National Pollutant Discharge Elimination System (NPDES) permit is required from the state of Tennessee, Department of Environment and Conservation, in accordance with Section 402 of the Clean Water Act.

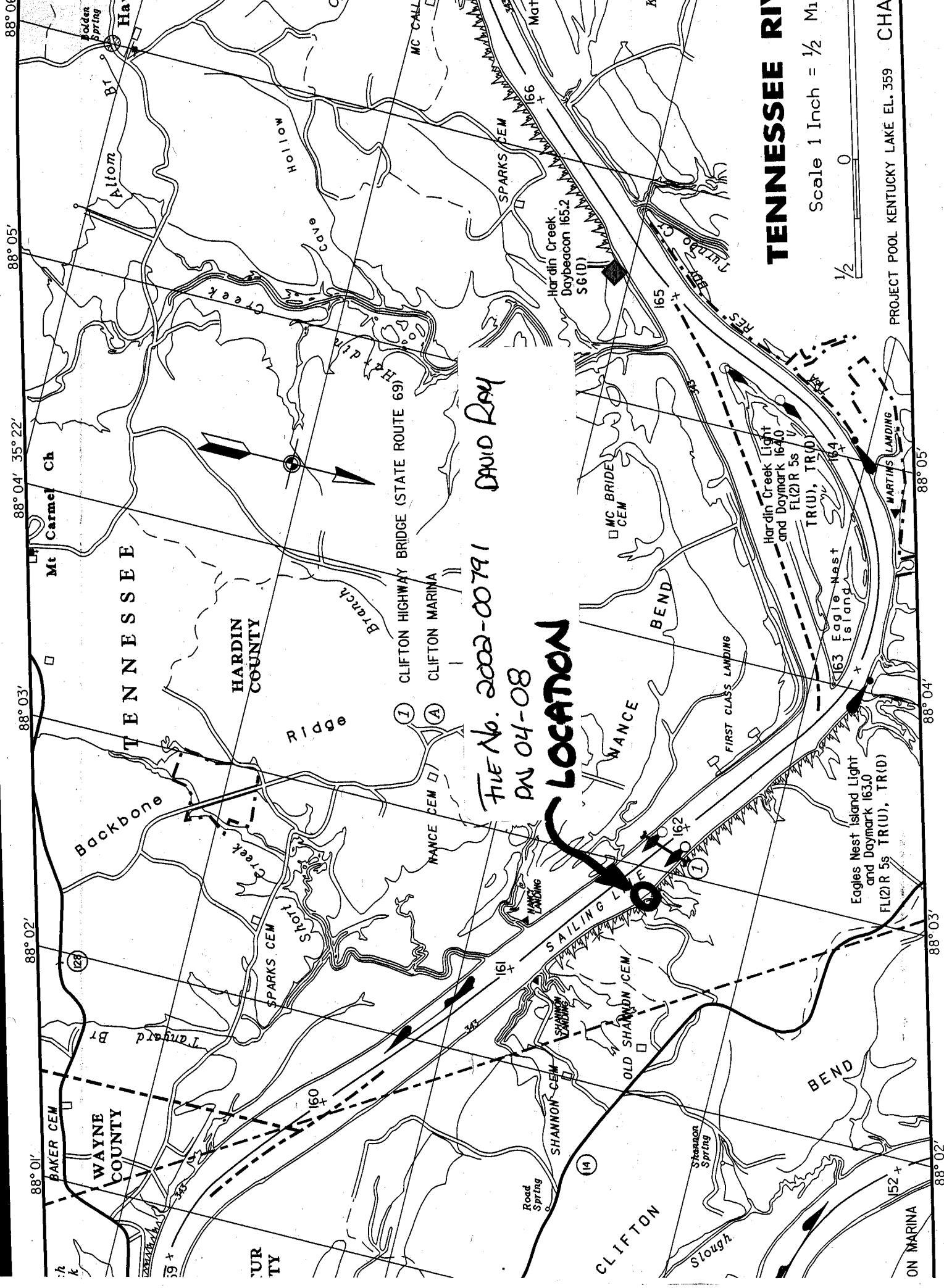
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before March 8, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Randy Lowe, Tennessee Valley Authority, Kentucky Lake Land Management Office, P.O. Box 280, Paris, Tennessee 38424-0280.

File No. 2002-00791
PN 04-08 DAVID RAY

BATH SPRINGS QUAD LOCATION





TENNESSEE RIVER

Scale 1 Inch = 1/2 Mi



PROJECT POOL KENTUCKY LAKE EL. 359 CHA

DAVID RAY

File No. 2002-00791

DN 04-08

LOCATION

